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I N D E X

Monday, February 4, 2019

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1           The above-styled cause came on to be heard on  
2 February 4, 2019 before the Honorable Waverly D. Crenshaw,  
3 Jr., District Judge, when the following proceedings were had,  
4 to-wit:

5           THE COURT: All right. Be seated. I think  
6 they're still preparing the jury. And I understand you all  
7 had a couple of things you need to talk about, and I think I  
8 have a couple of things.

9           So does the Government have something you wanted  
10 to raise?

11          MS. MYERS: Yes, Your Honor. We submitted  
12 another --

13          THE COURT: Let's put on the lavalier.

14          MS. MYERS: It's on but I forgot to turn it on.

15          THE COURT: Good.

16          MS. MYERS: Is that better, Your Honor?

17          THE COURT: I can actually hear you.

18          MS. MYERS: Wonderful. That's good. We submitted  
19 a written additional --

20          THE COURT: Is this joint?

21          MS. MYERS: It is.

22          THE COURT: Well, I don't think we need -- I  
23 gather part of the defense is going to be that the victim,  
24 Mr. Norris, was under the control of drugs? Right?

25          MR. STRIANSE: Judge, at this point we don't

1 know -- we believe he was under the influence of some  
2 intoxicant, according to the lay opinion of the officers that  
3 we're going to hear this week. But he obviously had some  
4 altered mental state. I don't have any objection to the  
5 question that the Government has framed.

6 THE COURT: Okay. I guess I want to -- I don't  
7 think we need to get into Mr. Norris's drug history, whether  
8 he was an addict or not. That's -- that's not necessary  
9 here.

10 MR. STRIANSE: I don't think they want to go  
11 there.

12 MS. MYERS: No. It's just, Your Honor, that a lot  
13 of people have very strong feelings about substance abuse.  
14 And given that we are going to hear this lay opinion  
15 testimony, potentially from witnesses who think that he might  
16 have been, in their experience, under the influence of some  
17 substance, there could be people who might -- that might sway  
18 them one way or the other. They would not be able to -- maybe  
19 they lost a loved one.

20 THE COURT: Okay. Well, I'm going to let you all  
21 do that. But we shouldn't -- I'm not going to let you  
22 suggest that Mr. Norris was a drug addict or that he had a  
23 history of drug abuse, or that -- as I understand from the --  
24 from the papers here, that he -- that his demise may have  
25 been as a result of drugs. That's not necessary. So let's

1 stay away from that in your openings and in voir dire.

2 Is that clear?

3 MR. STRIANSE: That's fine, Your Honor.

4 THE COURT: Okay. Any objection to that?

5 MS. MYERS: No, Your Honor.

6 THE COURT: All right. Anything else?

7 MR. STRIANSE: Yes, Your Honor.

8 THE COURT: All right.

9 MR. STRIANSE: Just very briefly. And I need to  
10 apologize to the Court. You know, I tried a case in here at  
11 the end of October, early November, and when you had the  
12 discussion about these -- filing these voir dire questions --

13 THE COURT: You're still going to get 20 minutes  
14 to ask whatever you want.

15 MR. STRIANSE: Okay. Thank you.

16 THE COURT: Okay? But I may not cover  
17 everything -- and in fact, go ahead and address that.

18 Now, the Government did provide me some -- I'm  
19 going to touch on that. I may not touch on it the way you  
20 all want, but you can follow up as necessary. But I am  
21 troubled and concerned that several of the Government's  
22 questions asked about -- yeah, "Do you have any strong  
23 feelings?" That's a phrase you all used. I don't want to --  
24 "strong feeling." You know, you can -- I don't think that  
25 "feelings" is appropriate.

1           And we just checked, and I think there's law out  
2 there. You shouldn't use "feelings." Now, you can ask, "Do  
3 you have any opinions?" That's okay. But they shouldn't be  
4 required to disclose those feelings.

5           And the one that bothers me the most that I want  
6 to stay away from now, anyone have any -- do you have strong  
7 feelings -- but you really just say, "Does anyone have any  
8 opinions, good or bad, about the U.S. Justice Department or  
9 the federal government?"

10           You can ask that question, but I don't want them  
11 having to reveal -- they're entitled to whatever opinion they  
12 have. The question is, can you set that aside and follow the  
13 law as the government -- so I don't want to get into their --  
14 you know, they're entitled to whatever opinion they have,  
15 good, bad, or indifferent. But they shouldn't be made to  
16 disclose that here in open court for all the public. That's  
17 their private opinions. And I don't want to embarrass or  
18 humiliate or subject them to ridicule because of their  
19 opinions.

20           Is that -- can you all live with that? Does the  
21 Government have any objection to that?

22           MS. MYERS: Yes, Your Honor. So changing  
23 "feelings" to any --

24           THE COURT: Let's not use "feelings."

25           MS. MYERS: -- any strong "opinions."

1 THE COURT: "Do you have any opinion, strong, weak  
2 or otherwise?"

3 MS. MYERS: We have no objection to that.

4 THE COURT: Okay. Then you can -- but let's not  
5 ask them what that opinion is. So they may have strong  
6 feelings about -- we don't -- can you set aside that opinion  
7 and follow the law based on what the Court tells you and make  
8 a decision solely on evidence presented in this courtroom.

9 And if they can't -- and sometimes they say they  
10 can't -- then we'll address it at the bench. But I want to  
11 avoid any juror having to be -- being required to disclose  
12 their personal opinions about the justice department or  
13 federal government. Whatever it is, they're entitled to it.

14 MS. MYERS: Understood, Your Honor.

15 THE COURT: Okay. Okay.

16 I got your joint stipulation. Are you all going  
17 to read that? Do you want me to read that before the first  
18 witness is called? When is that going to be presented?

19 MS. MYERS: Your Honor, we are fine with having  
20 you read that if the defense is as well.

21 THE COURT: When?

22 MS. MYERS: Prior to calling the first witness.

23 THE COURT: Mr. Strianse?

24 MR. STRIANSE: That's fine, Your Honor.

25 THE COURT: All right. Now, if I forget --



1 because I'll have a lot of things on my mind -- you all need  
2 to remind me. Okay.

3 At what point -- well, we need to discuss, when  
4 did you want me to tell the juror -- jury that Mr. Norris is  
5 deceased? I need to mention his name when I talk about names  
6 you're going to hear or witnesses. I don't attribute that to  
7 either side. I just say you may hear from these and you may  
8 notice that Mr. Norris -- I mean, how do you want me to tell  
9 them that? When do you all propose I do that?

10 MR. STRIANSE: Your Honor, I think when you're  
11 talking about all the witnesses that may appear in the case,  
12 it may be appropriate at that point.

13 THE COURT: What does the Government think?

14 MS. MYERS: We agree. That's fine, Your Honor.

15 THE COURT: All right. So I'm going bring him up  
16 or shift to that when we talk about the witnesses. All  
17 right.

18 And if I didn't say it at the pretrial conference,  
19 I'll tell you now, your agreed statement of the case,  
20 Document 32 -- I'm not going to read the indictment, but I'm  
21 going to use that to transition from the general questions to  
22 the more specific case questions. Okay?

23 Do you all have the pool information? Looks like  
24 you're reading it there, Mr. Strianse.

25 MR. STRIANSE: Yes, sir.

1 THE COURT: Okay. Good.

2 MS. MYERS: Yes, Your Honor.

3 THE COURT: Okay. And you've got your challenge  
4 sheet?

5 MS. MYERS: I don't believe we have that. We  
6 also --

7 THE COURT: That should be on your desk. Your  
8 peremptory and for cause -- peremptory and for cause -- it  
9 should be on your desk.

10 MS. MYERS: We have the judge's list and then we  
11 have the jury voir dire list, the voir dire report --

12 THE COURT: Kelly, do they have that?

13 Okay. This, I thought that was -- it's supposed  
14 to be own your desk when you walk in.

15 MS. MYERS: And does that -- Your Honor, does that  
16 include the giant piece of paper with the divisions?

17 THE COURT: You should have that, too.

18 MS. MYERS: We do not have that.

19 THE COURT: Okay. That's not ready yet. You will  
20 get the same thing that I have.

21 MS. MYERS: Thank you.

22 THE COURT: Is Marsha about ready? All right.  
23 We're working on the master list that you'll have a copy of  
24 what I have. So give us a few minutes and I think they may  
25 be close to being ready. So we can get started on time.

1           Any other questions before we -- we'll bring the  
2 panel in and then we'll get started with jury selection. All  
3 right? Thanks.

4           (Respite.)

5           (Voir Dire filed in Volume IB.)

6           (Jury sworn.)

7           THE COURT: All right. Be seated. Members of the  
8 jury, now that you've been sworn, I'll give you some  
9 preliminary instructions to guide you in your performance in  
10 the trial.

11           It will be your duty to find from the evidence  
12 what the facts are. You and you alone are judges of the  
13 facts. You will then have to apply those facts to the law  
14 that I will give you. You must follow that law whether you  
15 agree it with it or not.

16           Nothing I may say or do during the course of the  
17 trial is intended to indicate, nor should it be taken by you  
18 as indicating, what your verdict should be.

19           The evidence from which you will find the facts  
20 will consist of the testimony of witnesses, documents, and  
21 other things received into the record as exhibits. And any  
22 facts the lawyers agree or stipulate to. Or that I may  
23 instruct you to find.

24           Certain things are not evidence and must not be  
25 considered by you. Among these things are statements,

1 arguments, and questions by lawyers. These are not evidence.  
2 Objections to questions are not evidence. Lawyers have an  
3 obligation to their client to make an objection when they  
4 believe evidence being offered is improper under the rules of  
5 evidence. You should not be influenced by the objection or  
6 by my ruling on it. If an objection is sustained, ignore the  
7 question. If it is overruled, treat the answer like any  
8 other answer.

9           If you are instructed that some item of evidence  
10 is received for a limit purpose only, you must follow that  
11 instruction.

12           Testimony that I have excluded or told you to  
13 disregard is not evidence and must not be considered.  
14 Anything you may have seen or heard outside the courtroom is  
15 not evidence and must be disregarded. You're to decide the  
16 case solely on the evidence presented here in the courtroom.

17           There are two kinds of evidence, direct and  
18 circumstantial. Direct evidence is direct proof of the fact,  
19 such as testimony of an eyewitness. Circumstantial evidence  
20 is proof of facts from which you may infer or conclude that  
21 other facts exist. I will give you further instructions on  
22 these, as well as other matters, at the end of the case. But  
23 keep in mind that you may consider both kinds of evidence.

24           It will be up to you to decide which witnesses to  
25 believe, which witnesses not to believe, or how much of any

1 witness's testimony to accept or reject. I will give you  
2 some guidelines for determining the credibility of witnesses  
3 at the end of the case.

4           As you know, this is a criminal case. There are  
5 three basic rules about a criminal case that you must keep in  
6 mind. First, the defendant is presumed innocent until proven  
7 guilty. The indictment against the defendant brought by the  
8 Government is only an accusation, nothing more. It is not  
9 proof of guilt or anything else. The defendant therefore  
10 starts out with a clean slate.

11           Second, the burden of proof is on the Government.  
12 The defendant has no burden to prove his innocence or to  
13 present any evidence or to testify. Since the defendant has  
14 the right to remain silent, the law prohibits you in arriving  
15 at your verdict from considering that the defendant may not  
16 have testified.

17           Third, the Government must prove the defendant's  
18 guilt beyond a reasonable doubt. I will give you further  
19 instructions on this point later, but bear in mind that in  
20 this respect a criminal case is different from a civil case.

21           I now have a few words about your conduct as  
22 jurors. These instructions are necessary for a fair trial  
23 and are very important.

24           First, during the trial, you're -- you are to  
25 avoid contact with any witness, the parties, any lawyer, or

1 anyone else who may have an interest in the outcome of this  
2 case. Do not talk and -- or have any other communication  
3 with them.

4           Because you may not know whether a particular  
5 person in the courthouse falls into one of these categories  
6 during breaks, you should not speak to anyone in the  
7 courthouse you do not know. If anyone tries to talk to you  
8 about the case, bring it to my attention promptly.

9           Second, during the trial, you are not to discuss  
10 the case with anyone or permit anyone to discuss it with you.  
11 This prohibition includes your family, friends, and  
12 coworkers. It also includes any form of communication  
13 whatsoever, whether over the internet, such as email, instant  
14 messaging, tweeting, Facebook, or other social media posts,  
15 websites, and blogs, the use of cell phones for text  
16 messaging or video or audio recording or the use of any other  
17 recording or transmitting device.

18           People who aren't in the courtroom and haven't  
19 heard the evidence may yet still express opinions about the  
20 case. And your verdict is not to be based on what others say  
21 about the case, only on what with the evidence is. So don't  
22 post or email or tweet or text anything about this case, and  
23 don't read anything anyone else might post, email, tweet, or  
24 text about this case.

25           And of course, don't talk about the case and don't

1 listen to anyone else talk about the case.

2           The prohibition even includes your fellow jurors.  
3 You should refrain from case-related discussions with one  
4 another until all the evidence is received, final  
5 instructions are given, and you retire to the jury room to  
6 deliberate on your verdict.

7           One of the main reasons for this is that  
8 discussing the case can lead to forming an opinion. And that  
9 is not a good idea before you've heard all the evidence.  
10 Even after deliberations begin, you may talk about the case  
11 among your fellow jurors only when all are present.

12           Third, during the trial, you are not to gather  
13 information, investigate, or do anything else to learn about  
14 the case outside the properly admitted evidence. For  
15 example, do not attempt to investigate the case on the  
16 internet or travel to a particular location that may be of  
17 interest in the trial.

18           You should also avoid exposure to media coverage  
19 of the charges or trial, if there is any, until you have  
20 rendered your verdict. So don't read or listen to any news  
21 or internet reports about the case if there are any. Just  
22 like tweets and internet posts, things on the internet and in  
23 the media are often inaccurate or incomplete, and is  
24 certainly not given under oath with all the parties present,  
25 nor is it subject to cross-examination and close scrutiny

1 like the evidence you will hear in the courtroom.

2           During the trial, you will receive all evidence  
3 which may be formally considered in reaching your verdict. I  
4 know you may be used to looking things up online, but doing  
5 any type of research is unfair to the parties, can lead to a  
6 bad decision, and it can cause major problems and require us  
7 to start all over.

8           Finally, do not form any opinion until all the  
9 evidence is in. The last witness is often just as important  
10 as the first witness. So keep an open mind until I instruct  
11 you to start deliberations at the end of the case.

12           These rules are necessary for a fair trial, and  
13 violation of these instructions does subject you to  
14 punishment as allowed by law for contempt. I will repeat or  
15 summarize these instructions for you regularly throughout the  
16 trial, not because I don't think you're paying attention, but  
17 because in my experience jurors find some of these  
18 instructions difficult to follow.

19           I know of no other situation in our culture where  
20 we ask strangers to sit together, watching and listening to  
21 something, then go into a little room together and not talk  
22 about the one thing you have in common, what they just  
23 watched and -- watched together.

24           We are almost all wired into the digital world and  
25 used to looking stuff up online and talking or posting about



1 our lives. So please remember the reasons I gave you about  
2 why these rules are in place in the context of this trial.  
3 Let me know if there are any problems with following the  
4 rule -- these instructions, either on your part or by your  
5 fellow jurors.

6 If at any time during the trial you have any  
7 personal needs that must be taken care of, raise your hand or  
8 let the court security officer know. Your comfort is  
9 important to the Court, and I want to accommodate you in any  
10 way we can.

11 So, toward that goal, it's going to be permissible  
12 if you want to bring in a bottle of water and -- and -- but  
13 it is limited to water. Nothing else. And certainly  
14 permissible if you need to bring in cough drops or anything  
15 of that sort for your personal comfort.

16 The trial is about to begin. First the Government  
17 will make an opening statement, which is simply an outline to  
18 help you understand evidence as it comes in. Next, the  
19 defendant's attorney may but does not have to make an opening  
20 statement. Opening statements are neither evidence nor  
21 arguments.

22 The Government will then examine its witnesses and  
23 counsel for the defendant will cross-examine those witnesses,  
24 followed by any rebuttal questions from the Government.  
25 Following the Government's case, the defendant may, if he

1 wishes, present witnesses whom the Government may  
2 cross-examine, and then the defendant will be allowed to ask  
3 questions at the end.

4           This Court only allows one round. We'll have  
5 direct, cross-examination, and then redirect. That's all.

6           As I advised you before, the defendant has no  
7 burden of proof and has no obligation to present evidence,  
8 and he might or might not choose to do so.

9           After all the evidence is in, the attorneys will  
10 present their closing arguments to summarize and interpret  
11 the evidence for you, and I will instruct you on the law.

12           After that, you will retire to deliberate on your  
13 own. At the end of the trial, you must make your decision  
14 based on what you recall of the evidence. You will not have  
15 a written transcript to consult. So you must pay close  
16 attention to the testimony as it's given. If you wish, you  
17 may take notes to help you remember what witnesses said.

18           So at this time I'll pass out the notebooks and a  
19 pen. If you do take notes, please keep them to yourself  
20 until you and your fellow jurors go to the jury room to  
21 decide the case. And do not let note-taking distract you so  
22 you do not hear other answers by the witness.

23           At the end of each day, just leave your notebooks  
24 and pen in your seats, and they'll be very secure here until  
25 we return.

1           Also, you might have noticed already, it gets a  
2 little warm in here sometimes. So if that becomes an issue  
3 for somebody, let the court security officer know and we'll  
4 do the best we can to adjust the temperature.

5           One more thing you need to know is generally we  
6 will typically start about 9:00 and end the day around 5:00  
7 or maybe a little bit later. We'll take a morning break for  
8 a few minutes. We'll take a lunch break around noon. And  
9 then we'll take an afternoon break.

10           I'm going to have to adjust that schedule because  
11 on Wednesday the Court has an unavoidable obligation I've got  
12 to attend to that takes me away from the courthouse for  
13 several hours. So on Wednesday, we'll probably -- I might  
14 inquire of you all about starting a little bit earlier on  
15 Wednesday.

16           In fact, I'll go ahead and tell you, if -- if at  
17 all possible, I would like to start Wednesday at 8:00. And  
18 we'll go from 8:00 until 10:30. And then I have to leave at  
19 10:30. And I think I can be back here by 1:30. And then  
20 we'll resume the testimony. And if -- if possible, I may  
21 need you to stay a little bit late on Wednesday. Depending  
22 on how the proof is coming in. But I'll have a better idea  
23 once we -- once we conclude on Tuesday.

24           But we will have to take a break on Wednesday that  
25 I -- I can't avoid. All right.

1           So now we're ready for opening statements. I want  
2 to give the lawyers a little time to gather their thoughts  
3 and prepare. So you can go now into your jury room. There  
4 should be refreshments and whatnot back there that -- as well  
5 as water. And refresh yourselves. And then we'll come back  
6 about 3:05. Thank you.

7           (Recess.)

8           (Jury not present.)

9           THE COURT: All right. Be seated. We're ready.  
10 Is the Government ready to proceed?

11           MS. MYERS: Yes, Your Honor.

12           MR. STRIANSE: Yes, Your Honor.

13           THE COURT: Okay. Bring in the jury.

14           (Jury present.)

15           THE COURT: All right. Be seated. All right.  
16 We're now going to have opening statements.

17           Ms. Myers.

18

19           GOVERNMENT'S OPENING STATEMENT

20           MS. MYERS: "I'll keep doing it until I run out of  
21 batteries." That's what the defendant told Jordan Norris  
22 while Norris was an inmate in the Cheatham County jail,  
23 strapped to a chair, while the defendant tased him for 50  
24 seconds.

25           You will see two videos in this case of two

1 separate incidents in which the defendant tased Jordan Norris  
2 excessively and then wrote false reports about each incident.

3 Now, the United States Constitution protects all  
4 people in our country, even inmates in jail. Law enforcement  
5 officers have a very difficult job. They handle and are  
6 trained to handle people who are dangerous and people who are  
7 unstable every single day, but their duty is clear: To  
8 protect and serve.

9 In this case, there is a clear line between  
10 appropriate use of force and excessive force. And the  
11 defendant crossed the line again and again.

12 On the night of November 5th, 2016, Jordan Norris  
13 was an inmate in the Cheatham County jail. He was 18 years  
14 old. He had been arrested. He had been booked. But he had  
15 not had his first court appearance.

16 The defendant was a corrections officer in the  
17 Cheatham County jail. He was in charge of the jail that  
18 night. Around 7:00 p.m., Jordan Norris became distressed in  
19 his cell. He was agitated and he was banging his head  
20 against the cell door. One of the corrections officers  
21 noticed this and called for additional officers to come help  
22 with the situation.

23 Four officers arrived. Those other officers were  
24 Daniel Bratton, Jeff Key, Josh Marriott, and the defendant.  
25 When the officers went into the cell, Jordan Norris was

1 struggling. He was struggling, still agitated, and the  
2 officers were moving him from that cell into a restraint  
3 chair. One of the officers had to tase him to get him into  
4 the chair.

5           The restraint chair has several straps. It has  
6 straps across the shoulders, straps across the lap, straps  
7 across the arms, and a strap across the legs. Jordan Norris  
8 calmed down after he was in the chair for a period of time.  
9 He was calm and -- until about an hour later he started  
10 struggling again. He was struggling against the straps and  
11 managed to loosen one of the straps over one of his hands.

12           Some of the officers came back, some of the same  
13 officers. Jeff Key was at his hand. Josh Marriott was at  
14 his head, and directly in front of Jordan Norris with a Taser  
15 stood the defendant. And while Jordan Norris was strapped  
16 into that chair, the defendant tased Jordan Norris  
17 repeatedly, sending painful electrical shocks throughout his  
18 body, burning his flesh. He did this for a total of 50  
19 seconds. All the while, the defendant taunted Jordan Norris,  
20 "I'll keep doing it until I run out of batteries." "You  
21 don't like it, do you?"

22           The defendant crossed the line.

23           Now, the defendant had been Taser certified. And  
24 he was Taser certified before this incident with Jordan  
25 Norris. And in that training he learned that you could tase

1 a person three times in five second bursts, nothing more.

2 He was also taught that you could not tase a  
3 restrained person or a person in handcuffs. And after that  
4 50-second tasing, the defendant told the other officers who  
5 were there for the incident not to write a use of force  
6 report against policy. He said he would take care of it, and  
7 he did take care of it. He deliberately wrote a false  
8 sequence of events, and completely left out the fact that he  
9 had tased Jordan Norris four times for a total of 50 seconds.

10 Now, later that evening, the second shift ended.  
11 And another shift of officers arrived. But the defendant  
12 stayed back with the third shift. And while those officers  
13 were preparing Jordan Norris to be transported to the  
14 hospital, Jordan Norris began struggling again. He was  
15 agitated. However, he was still in the chair, and when he  
16 was handcuffed, when his feet were in shackles, when there  
17 were at least six officers standing around him and while he  
18 was still strapped in the chair, the defendant tased Jordan  
19 Norris for an additional 11 seconds, holding down on the  
20 trigger, sending that pain shooting through his body again.

21 The defendant crossed the line.

22 Now, you will hear from the Taser instructor who  
23 taught the defendant in this case, the one who taught his  
24 Taser certification class. His name is Gary Ola. And he  
25 will testify he had been the Taser trainer in the jail for

1 years. He trained him and the other people who were Taser  
2 certified there in the jail that night. He had worked in  
3 Cheatham County, and he was present for that 11-second tase.

4           And even though he was there and he witnessed how  
5 excessive it was, at that time he did not tell anyone about  
6 it or do anything. You will hear him testify that he is  
7 ashamed. He lied to federal agents about what he saw. And  
8 he pled guilty to lying to those federal agents. You will  
9 hear him testify that he is ashamed that he did nothing that  
10 night.

11           You will also hear from a number of other  
12 witnesses, law enforcement witnesses, who were there that  
13 night. And that even though Jordan Norris was difficult, the  
14 defendant crossed the line when he tased Jordan for as long  
15 as he did, when he did.

16           You will also get to see the video -- videos of  
17 the tasings. You will get to read the false reports that the  
18 defendant wrote to cover up what he had done.

19           Unfortunately, as the judge mentioned, you will  
20 not get to hear from the victim. He passed away several  
21 months ago in a manner unrelated to this case. But you will  
22 get to hear the words of the defendant in the video. "I'll  
23 keep doing it until I run out of batteries." "You don't like  
24 it, do you?"

25           And at the conclusion of the evidence, I am



1 confident that you will find the defendant guilty on all four  
2 counts. Thank you.

3 THE COURT: Mr. Strianse.

4 MR. STRIANSE: Thank you, Your Honor.

5

6 DEFENDANTS' OPENING STATEMENT

7 MR. STRIANSE: Good afternoon, ladies and  
8 gentlemen. The front door of the Cheatham County jail is  
9 exactly 20 miles from this courtroom. What happens behind  
10 that door might as well be a million miles away from our  
11 usual, relatively comfortable, orderly, day-to-day  
12 experiences.

13 This case that you're going to hear over the next  
14 four or five days presents a stark example of the distance  
15 between the calm of this setting, in this courtroom, and the  
16 sudden unpredictable storms of a jailhouse.

17 On November 5, 2016, Mark Bryant was a  
18 correctional officer. He was a corporal. He was a shift  
19 supervisor at the Cheatham County jail in Ashland City. That  
20 jail was built 40 years ago to house 120 inmates. In 2016 it  
21 routinely housed 150 or more.

22 There were six correctional officers per shift to  
23 safeguard the security of those 150 and themselves, and to  
24 preserve some semblance of order and discipline in that local  
25 jail.

1           As of Saturday, November 5th, 2016, Mark Bryant  
2 had worked at the Cheatham County jail for about 14 months.  
3 I think you'll hear in his testimony he rose through the  
4 ranks quickly. He was hired August 20th of 2015, and he was  
5 appointed -- he didn't run for it or ask for it -- and he was  
6 appointed and tapped by his superiors to be a field training  
7 officer just a couple of months later, October of 2015. By  
8 November of 2015, he was supervising his own shift. By June  
9 of 2016, he was elevated to the rank of corporal and shift  
10 supervisor.

11           You're going to be hearing a lot about Saturday,  
12 November 5th, 2016. Mark Bryant was working the second  
13 shift -- that's the 2:00 p.m. until 10:00 p.m. shift -- as a  
14 corporal and as the shift supervisor.

15           As you might imagine, in a small town, local jail,  
16 Saturday night is a very busy night at the jail. They're  
17 booking a lot of people in and the correctional officers are  
18 extremely busy. Around 6:45 or so on that Saturday evening,  
19 November 5, 2016, Mark Bryant was at his desk in the booking  
20 room, in the booking office, and he's able to watch the  
21 actual live camera feed from the cells.

22           And at that point in time, at about 6:45 or so, he  
23 sees Jordan Norris, who's in Cell 4 in the booking area.  
24 Mr. Norris had been lodged into the jail a couple of days  
25 before, November 3rd, 2015, and he was still being held in

1 the booking area without bond. And Mr. Bryant looks up at  
2 the screen and sees Jordan Norris banging his head on the  
3 solid steel door for Cell 4.

4 Mr. Bryant gets up, he walks the 25 feet or so  
5 from the booking office to Cell 4 and asks Mr. Norris to stop  
6 what he's doing. Mr. Norris doesn't stop what he's doing.  
7 At that point, Mark Bryant gets a key and opens up the door  
8 to Cell 4 and again asks, "Stop what you're doing or you're  
9 going to be hurting yourself."

10 For a moment Mr. Norris composes himself, returns  
11 to his bunk, and Mr. Bryant returns to the booking office.  
12 No sooner does Mark Bryant get back to the booking office and  
13 raise his eyes up again to look at the screen, there goes  
14 Mr. Norris, banging his head on the door again.

15 At that point Mark Bryant and another correctional  
16 officer, a man by the name of Jeff Key, who will testify in  
17 this case, go to Cell 4 together. And they escort Mr. Norris  
18 out of Cell 4, and that's when everything begins. That's  
19 when the lives of four correctional officers at the Cheatham  
20 County jail and Mr. Norris intersect on that Saturday night.

21 Because at that time Mr. Norris decided, for  
22 whatever reason, that he was going to fight and resist the  
23 officers any way that he could. You will hear over the next  
24 few days Mr. Norris described variously by the correctional  
25 officers as -- and these are their words -- "possessed," "out

1 of his mind," "drugged," "aggressive," "possessed of  
2 extremely unnatural strength."

3 I don't think you're going to hear in the lexicon  
4 of the officers the word "difficult" that the Government used  
5 in its opening statement. The officers simply could not  
6 control him and they could not cuff him.

7 There is video that you will see that will show  
8 his removal from Cell 4. You'll hear testimony about  
9 Mr. Norris banging his head on the door. You'll hear  
10 testimony about Mr. Norris being combative with other inmates  
11 in Cell 4. And that was the reason why he had to be removed.  
12 He had to be removed for his own safety and the safety of the  
13 correctional officers. He simply refused to comply with any  
14 verbal commands.

15 You'll also see four officers with an aggregate  
16 weight of about 1,000 pounds trying to extract and control  
17 Mr. Norris, who is a person that's -- was a person probably  
18 about my size, 5-9, 5-10, 170 pounds. That group of officers  
19 was unable to get him into a restraint chair without an  
20 officer by the name of Daniel Bratton, who will testify  
21 having to tase him four times. Because he was actively  
22 resisting, stiffening, flailing his arms against the  
23 officers.

24 Another interval that you'll see video of is when  
25 he is in the restraint chair at about 7:59 p.m. on that

1 Saturday night. You're going to see him struggling against  
2 the chair. And like everything prior to November 5, 2016, at  
3 the Cheatham County jail, it was old and it was worn out.  
4 Particularly this restraint chair. It may have been there as  
5 long as the jail had been open, since 1978.

6 And you heard the Government talk about the  
7 different restraints and ties that it had. Well, one of  
8 those ties had gotten old and very defective and no longer  
9 worked. It was the restraint that would go around an  
10 inmate's right hand, a Velcro restraint that was simply worn  
11 out.

12 You'll also see in the video that Mr. Norris, who  
13 the officers described as having an unusual amount of  
14 strength for somebody his size, was able to physically move  
15 his chair along the floor as he was fighting against the  
16 officers. And he was also able to get his right hand free.  
17 And I think when we get to the end of this case, you're going  
18 to be satisfied that Mr. Norris was never -- was never tased  
19 when he was fully restrained.

20 The third interval is what happens at 10:20 p.m.  
21 on the evening of Saturday, November the 16th, when he's  
22 being readied by correctional officers to transport him to a  
23 local hospital in Ashland City. He again continues to fight  
24 and had to be tased again. But again, significantly, this  
25 man was never fully restrained at any time that he was tased.

1           Now, the Government has just told you that what  
2 Mr. Bryant did was contrary to the training that he received  
3 and contrary to the policy of the Cheatham County Sheriff's  
4 Office and jail that was in place at the time of this event,  
5 November 5th, 2016. The policy in place at the time of the  
6 Norris incident was aptly described by the jail  
7 administrator, the number one man in charge, the top, a man  
8 by the name of JJ Hannah. He was interviewed in August of  
9 2017 by the Federal Bureau of Investigation, by the Tennessee  
10 Bureau of Investigation in tandem.

11           And listen to what he said about the policy that  
12 was in place as of November 5, 2016. (As read):

13           At the time of the incident, we didn't have  
14 much of a policy on Tasers. There was a five-  
15 second rule with prongs.

16           What you're going to hear about over the next week  
17 is these Tasers are what is called a drive stun. They  
18 weren't the ones where -- you may have seen on television  
19 where these two barbed prongs go expelling out of the Taser.  
20 This is basically a contact tase that you're going to be  
21 hearing about and seeing over the next few days.

22           But the only five-second rule that was in place at  
23 the time, November 5, 2016, was if somebody was going to  
24 shoot that Taser and shoot those prongs at somebody in an  
25 effort to connect them to the person that was the target.

1 That's simply not what happened to Mr. Norris in this case.

2 And significantly, Jail Administrator Hannah, the  
3 number one man in charge of the jail, said there was no time  
4 limit on the drive stun, the Taser stuns that you're going to  
5 see over the next few days.

6 So what happened in the immediate aftermath of  
7 this event on November 5, 2016? Approximately one week after  
8 the event, JJ Hannah, who is the jail administrator, Bob  
9 Whitt, the assistant jail administrator, asked Mark Bryant to  
10 come upstairs to the second floor where the sheriff's office  
11 is, where the administrator offices are.

12 He met with Mr. Hannah. He met with Mr. Whitt.  
13 He met with another supervisory officer by the name of David  
14 Isherwood in the administrative office. They show him the  
15 video, the events of November 5, 2016, and they want his side  
16 of the story. And Mark explained exactly what he did and why  
17 he did it.

18 Now, Mark didn't hear back for a while. So in  
19 February of 2017, he goes back upstairs and he asks for an  
20 update. "Well, what's going on with this review of my  
21 conduct on November 5, 2016?"

22 And they tell him at that time that the  
23 administration people had looked at it, they reviewed it, and  
24 found that his actions were justified on November 5, 2016.  
25 And they told him, "You're clear. You didn't violate any

1 policy."

2           And that was the order of the day until July of  
3 2017, when a civil lawsuit was filed, and there was Channel  
4 4 -- or Channel 5, excuse me -- carrying the story and  
5 showing some video of the incident. And suddenly it wasn't  
6 okay. Despite the fact that there was no coherent Taser  
7 policy in place at the time that Mark Bryant was forced to do  
8 the acts that he did on November 5, 2016, because of the  
9 conduct of an out-of-control inmate, at that point, Mark  
10 Bryant, I guess, becomes expendable. Because the sheriff is  
11 running for cover, the administration is running for cover,  
12 and Mr. Bryant becomes the fall guy for this incident.

13           I think the judge has probably already told you in  
14 your preliminary instructions that you are the judges of the  
15 facts in this case. And I respectfully suggest to you,  
16 ladies and gentlemen, that it will be your job over the next  
17 three or four days to sift through all of these facts and  
18 sift through this incident and decide the ultimate question  
19 in the case, which is, on November 5, 2016 -- and I would ask  
20 you to make this determination without the benefit of 20/20  
21 hindsight, without the benefit of Monday morning  
22 quarterbacking, but in the moment, November 5, 2016, based on  
23 the totality of everything you're going to see over the next  
24 few days, you're going to have to ask yourselves as you sit  
25 around that table in the deliberation room, did Mark Bryant



1 set about to willfully violate the civil rights of Jordan  
2 Norris on November 5, 2016, or was Mark Bryant -- and, for  
3 that matter, all the other correctional officers that are  
4 going to be marched in here over the next few days -- simply  
5 reacting to a series of extremely dangerous situations that  
6 Mr. Norris created on that evening?

7 I thank you for your service and I thank you for  
8 your attention this afternoon.

9 THE COURT: All right. Does any party want to  
10 invoke the rule?

11 MS. MYERS: Yes, Your Honor.

12 MR. STRIANSE: Yes, Your Honor.

13 THE COURT: All right. So you know who your  
14 witnesses are. If they are in the courtroom or come into the  
15 courtroom, it's your responsibility to make sure they are  
16 told to leave. All right.

17 Okay. Ladies and gentlemen, we're about to start  
18 the proof in the case. And the parties have asked that I  
19 read to you three stipulations that they have agreed to. And  
20 they are as follows:

21 One, on November 5, 2016, Defendant Mark Bryant  
22 was employed as a corporal in the Cheatham County jail in  
23 Ashland City, Tennessee.

24 Two, on November 5, 2016, Defendant Mark Bryant  
25 was on duty, working at the Cheatham County jail from

1 2:00 p.m. until at least 10:30 p.m. Central Standard Time.

2 And three, Defendant submitted two incident  
3 reports relating to events at the Cheatham County jail on  
4 November 5, 2016. The time listed on one report is 1855, and  
5 the time listed on the second report is 2220.

6 All right. The Government should call its first  
7 witness.

8 MR. SONGER: Your Honor, may we approach before we  
9 call the first witness?

10 THE COURT: Sure.

11 (Bench conference outside the hearing of the  
12 jury.)

13 THE COURT: Okay.

14 MS. MYERS: So in Mr. Strianse's opening  
15 statement, he referenced the lawsuit, which was one of the  
16 subjects of a motion in limine that you had granted. In  
17 order to address that appropriately with the witnesses and  
18 not leave an impression that -- it appears part of  
19 Mr. Strianse's argument is going to be that he was basically  
20 a sacrifice for politics and for PR, we're going to need to  
21 be able to address the lawsuit, what was pulled when, which  
22 officer. We can ask questions about what they actually  
23 viewed. And we're going to --

24 MR. STRIANSE: The motion in limine went to the  
25 state prosecution.

1 MS. MYERS: And the lawsuit.

2 MR. SONGER: He instructed our witnesses not to  
3 reference the civil litigation.

4 THE COURT: Let me get clarified. Your omnibus  
5 motion said "excluding a reference to Defendant's prosecution  
6 of a local Tennessee District Attorney General. And that was  
7 granted as unopposed.

8 It doesn't say -- it doesn't refer to the civil --

9 MR. STRIANSE: It didn't say anything about the  
10 civil lawsuit.

11 MR. SONGER: Your Honor, we have instructed our  
12 witnesses not to address the civil lawsuit --

13 THE COURT: Okay.

14 MR. SONGER: -- to avoid the appearance of any  
15 bias. But given now the door's been open, we would suggest  
16 that we need to get some context to that lawsuit and how it  
17 was resolved and what steps were taken in response to it so  
18 we don't leave a miss impression with the jury.

19 MR. STRIANSE: I haven't left any misimpression.  
20 There was no motion in limine to keep me from saying anything  
21 about a civil lawsuit being filed.

22 MR. SONGER: I'm not accusing you of filing a  
23 motion in limine. I just want clarity.

24 THE COURT: Do we need to do this now? Can we do  
25 it later? Can you call your first witness?

1 MS. MYERS: I think we will need to address it.

2 THE COURT: Who is your first witness?

3 MR. SONGER: Josh Marriott.

4 MS. MYERS: Josh Marriott.

5 THE COURT: Okay. So do you want to talk about --  
6 was he in the civil lawsuit? I'm not following.

7 MS. MYERS: He was. He was a party.

8 MR. SONGER: He was a defendant.

9 THE COURT: All right. So what do you want to  
10 present?

11 MR. SONGER: My understanding from the witnesses  
12 is they became aware of certain parts of this incident after  
13 the lawsuit was filed. They had conversations with people  
14 after the lawsuit was filed.

15 THE COURT: What was the result of the civil  
16 lawsuit?

17 MS. MYERS: There was a settlement with the county  
18 for, I believe, \$700,000, finding fault against Cheatham  
19 County.

20 THE COURT: So we're not going to bring that in,  
21 are we? You're not trying to bring that in. I mean, all  
22 that he said -- I don't think we need to get too deep in the  
23 civil. But I don't know if we can resolve this now. There  
24 was no violation of the motion in limine. So I appreciate  
25 that clarification. So the civil lawsuit was fair game on

1 opening. It remains fair game now.

2 So what are you now -- now, as to the settlement  
3 of it and that, that -- I do want to control that. I don't  
4 know if -- I don't know if it was mentioned, but the fact  
5 there was a civil lawsuit doesn't mean we need to try it  
6 again or try it for the first time.

7 MS. MYERS: No. And we would agree about that.  
8 But we want to ensure -- we have witnesses who were called to  
9 speak about it later with administration only after the civil  
10 lawsuit.

11 THE COURT: Okay.

12 MS. MYERS: Sometimes they were called directly  
13 after the incident, but then there were additional meetings,  
14 and additional evidence was pulled following the filing of  
15 that civil -- of that civil lawsuit.

16 THE COURT: Okay.

17 MS. MYERS: So that time frame will now be --  
18 we'll just have to instruct our witnesses --

19 THE COURT: Yeah. I think the -- the motions in  
20 limine we've discussed so far had to do on the date of the  
21 event, on November the 5th, and what occurred before that.  
22 So -- didn't touch on that in the pretrial, so that's fair  
23 game.

24 But I will say, until we have further  
25 discussion -- you can change my mind -- we don't need to talk

1 about the settlement of the -- of the civil lawsuit or  
2 certainly not the amount involved. You can say there was a  
3 civil lawsuit. I guess you can say it was resolved.

4 MS. MYERS: And the reason that there was media  
5 attention was as a result of the civil lawsuit.

6 THE COURT: Okay.

7 MS. MYERS: So some of the witnesses saw the full  
8 incident for the first time in the media.

9 THE COURT: Okay.

10 MS. MYERS: And that would be how -- they will  
11 need to explain how they saw --

12 THE COURT: Do you have enough guidance that now  
13 we can put on the first witness?

14 MS. MYERS: Yes.

15 MR. SONGER: Just one other housekeeping matter,  
16 Your Honor, of how we want to proceed with evidence. I  
17 understand in some cases, when there haven't been objections  
18 to authenticity, and there aren't here, we've announced what  
19 exhibits we want to use at the outset of the testimony, just  
20 admit them, so -- or we can go through and admit them through  
21 the testimony.

22 THE COURT: Well, I hope y'all have talked to  
23 Mr. Strianse so if you know there are objections, you can say  
24 that. I will turn to him and you will say "is that correct?"

25 MR. STRIANSE: I've made it very clear that I

1 don't have an objection to authenticity, but I do have  
2 objection to admissibility. They have a Taser training  
3 exhibit that is dated after Mr. Bryant received his training  
4 on October 23rd, 2015. So I have an admissibility objection  
5 to that exhibit. I have no question that it's an authentic  
6 document.

7 THE COURT: Okay. So we can take that up.

8 MR. SONGER: We can deal with it at another time.

9 THE COURT: Okay.

10 MS. MYERS: Thank you.

11 THE COURT: Now, do I have your exhibits? Are  
12 these them?

13 MS. MYERS: Yes, Your Honor. Yes.

14 THE COURT: Do you want to test it?

15 COURT DEPUTY: Do you want her to test?

16 THE COURT: I don't care who tests it.

17 (Jury present.)

18 THE COURT: All right. Call your first witness.

19 MR. SONGER: Your Honor, the Government calls  
20 Officer Josh Marriott.

21

22 JOSH MARRIOTT,  
23 called as a witness by the Government, was duly sworn and  
24 testified as follows:

25 COURT DEPUTY: Please be seated. Please state

1 your full name and spell your last name.

2 THE WITNESS: Josh Marriott, M-a-r-r-i-o-t-t.

3 THE COURT: All right. You can proceed.

4

5 DIRECT EXAMINATION

6 BY MR. SONGER:

7 Q. Good afternoon, sir.

8 A. Good afternoon.

9 Q. Can you introduce yourself to the jury by telling us how  
10 you're currently employed?

11 A. I work for the Cheatham County Sheriff's Department.

12 Q. And what do you do with the Cheatham County Sheriff's  
13 Department?

14 A. I now work on patrol.

15 Q. Do you have -- do you have a title for your position  
16 there?

17 A. I'm a deputy.

18 Q. How long have you been working on patrol for the  
19 Cheatham County Sheriff's Office?

20 A. Since November of 2018.

21 Q. And where did you work before that?

22 A. Cheatham County jail.

23 Q. How long did you work at the Cheatham County jail?

24 A. I started October 15th, 2015, until I went to patrol in  
25 November.



1 Q. So you've been there all told with the jail or on patrol  
2 about three and a half years?

3 A. Yes.

4 Q. Do you have any other law enforcement experience other  
5 than your time in Cheatham County?

6 A. No, sir.

7 THE COURT: Okay. Go ahead and pull that  
8 microphone closer to you. There you go.

9 THE WITNESS: Okay.

10 MR. SONGER: Thank you.

11 Q. What was your position when you started at Cheatham  
12 County in the jail back in 2015?

13 A. I was a corrections officer.

14 Q. And what were your basic responsibilities as a  
15 corrections officer?

16 A. Safety and security of the facility, you know, fed  
17 inmates, changed the laundry. I mean, that's pretty much  
18 your basics.

19 Q. When you started at the facility, did you get a copy of  
20 their policies and procedures?

21 A. Yes, sir.

22 Q. Did you read those?

23 A. Yes.

24 Q. To the best of your knowledge, do all officers get those  
25 policies?

1 A. To the best of my knowledge, yes.

2 Q. Did you work a particular shift at the Cheatham County  
3 jail?

4 A. I've actually worked all three, but I started on the  
5 second, which is from 2:00 in the afternoon until 10:00 at  
6 night.

7 Q. And who was your supervisor when you worked on second  
8 shift?

9 A. Roger Temple, Sergeant Roger Temple, and Corporal Mark  
10 Bryant.

11 Q. Was that the shift that you were working in November of  
12 2016?

13 A. Yes.

14 Q. So you mentioned the defendant, Mark Bryant.

15 What's your relationship with him?

16 A. He's a friend of mine.

17 Q. At one point did you live -- did you guys live together?

18 A. Yes, at one point we did.

19 Q. Do you still live together?

20 A. No, sir.

21 Q. Why not?

22 A. I got married.

23 Q. Did you move in with your wife?

24 A. Yes.

25 Q. Are you still friends with Mark Bryant?

1 A. Yes.

2 Q. Do officers in the Cheatham County jail carry Tasers?

3 A. Yes.

4 Q. And can you explain to us basically what is a Taser?

5 A. It's an electric device that has two prongs. You pull  
6 the trigger. It will send out the prongs and it will  
7 electrocute somebody.

8 Q. Is there more than one mode or more than one way you can  
9 use a Taser?

10 A. Yeah. The prongs, and then you can take the prongs out  
11 of the cartridges and it's what they call a drive stun.

12 Q. And prongs -- what does that mean? If you use it in  
13 prongs mode, what happens?

14 A. The prongs will actually shoot out a certain amount of  
15 feet and enter the subject's body and send voltage through  
16 the body.

17 Q. And what about the other -- the drive stun mode?

18 A. Basically, it's a -- it's got two points of contact and  
19 it would arc. And when you touch the person, it will then  
20 shock them that way.

21 Q. Okay. So what happens to a person when you apply a  
22 Taser in drive stun mode?

23 A. For the most part, it locks them up.

24 Q. Is the Taser physically touching the person that you're  
25 using it on?

- 1 A. It depends on what mode you're in.
- 2 Q. I'm sorry. In drive stun mode?
- 3 A. Yes.
- 4 Q. Okay. And how long does a Taser cycle last?
- 5 A. One cycle lasts five seconds.
- 6 Q. Is that one pull of the trigger?
- 7 A. One pull of the trigger.
- 8 Q. Now, is it possible to keep a Taser going beyond that
- 9 five-second cycle that's one pull of the trigger?
- 10 A. Yes, there is.
- 11 Q. How do you do that?
- 12 A. Keep holding the trigger.
- 13 Q. If you don't keep holding the trigger, what happens?
- 14 A. It would shut off by itself.
- 15 Q. It automatically shuts off after five seconds unless you
- 16 keep holding?
- 17 A. Yes.
- 18 Q. And how long will the Taser go if you keep holding that
- 19 trigger down?
- 20 A. Unfortunately, it will go as long as you hold your
- 21 finger on your trigger.
- 22 Q. Now, have you personally been tased?
- 23 A. I have.
- 24 Q. In which mode, prongs or drive stun?
- 25 A. Both.

1 Q. And let's focus for a minute on the actual drive stun.  
2 When you were tased in drive stun mode, how long was the  
3 Taser on you?

4 A. Five seconds.

5 Q. What part of your body?

6 A. The bottom of -- or underneath I guess what you call the  
7 hamstring.

8 Q. And so what did it feel like for five seconds?

9 A. It hurts. It doesn't feel good.

10 Q. On a pain scale of 1 to 10, where would you put it?

11 A. Probably an 8.

12 Q. Is there any other, you know, pain you've experienced in  
13 your life that you can compare this to?

14 A. It's a different kind of pain. Because once it's over,  
15 it's over. Like, you don't feel nothing after that. You  
16 know, they said you might get muscle cramps, you know, but I  
17 never got any muscle cramps.

18 Q. But in terms of when it's going, is the pain that you  
19 feel when it's going, is there anything to compare that to?

20 A. Best way to describe it that I've always described is  
21 like being hit in the back with a metal chair, maybe. You  
22 know, that's kind of -- that's the best way to describe it.  
23 I've never actually been hit with a metal chair, so I don't  
24 know equivalent -- or how accurate that is, but that's just  
25 how I describe it. So. . .

1 Q. When you worked in the jail back in 2015 and 2016, did  
2 you carry a Taser?

3 A. Yeah, after I was trained with the Taser.

4 Q. And by the time that you left the jail to go out on the  
5 road on patrol where you are now, did you still carry a Taser  
6 then?

7 A. I do carry a Taser now. Yeah. I have to carry one now.

8 Q. You have to carry one when you're out on patrol?

9 A. Yeah.

10 Q. And why is that?

11 A. It's a nonlethal, you know, threat -- a nonlethal  
12 threat -- I'm trying to think of the word. Versus taking  
13 your gun and firing on somebody, you can use a Taser to  
14 nonlethally end the threat, I guess you could say, would be a  
15 better way to put it.

16 Q. And are there times when you're out on the road that you  
17 don't have backup?

18 A. Yes.

19 Q. And do you interact with people who are not restrained?

20 A. Yes.

21 Q. And so -- so going back to when you were in the jail,  
22 though, by the end of the time that you were in the jail, did  
23 you still carry a Taser?

24 A. I did not.

25 Q. Why did you stop carrying one while you were at the

1 jail?

2 A. Well, there's -- there's been a lot of repercussion from  
3 carrying a Taser. I would say -- you know, I mean, after the  
4 whole Jordan Norris incident, lots of repercussion. And in  
5 my mind, I feel like it should never go that far to use a  
6 Taser, you know.

7 Q. Okay. You mentioned Jordan Norris. Was there an  
8 incident with Mr. Norris?

9 A. Yes.

10 Q. And was it after that incident that you stopped carrying  
11 a Taser?

12 A. Yes.

13 Q. And did you stop carrying it because of what happened in  
14 that incident?

15 A. Just because of the repercussions of it. You know,  
16 there was -- this -- there's a lot of headaches with a Taser.

17 Q. Okay. You said just a moment ago that "It should never  
18 have gone that far."

19 What did you mean by that?

20 A. I mean any hands-on situation -- you know, I was trained  
21 if you can use your words, use your words. You know, try to  
22 use your words before going hands on with somebody.

23 Q. And in that -- that incident that you're talking  
24 about -- and we'll talk about more later -- but is that not  
25 what happened? It wasn't just words that were used?

1 A. Are you talking about with Jordan Norris?

2 Q. Yes.

3 A. Or no, not just hands on -- or not just words were  
4 available, I guess you could say, at that time.

5 Q. And you stopped carrying a Taser because you were  
6 disturbed about how that incident progressed?

7 A. In a sense.

8 Q. Is there anything else that's ever happened at the jail  
9 that made you stop carrying a Taser?

10 A. Not before that incident, no.

11 Q. Okay. Now, during the -- I think you said you started  
12 in October of 2015 and left in 2018. So during the three,  
13 three and a half years that you worked in the jail, how many  
14 times did you see an officer have to tase someone?

15 A. Maybe, eight, nine times total.

16 Q. For the whole time you were in the jail?

17 A. Yes.

18 Q. And did you, yourself, ever have to use a Taser?

19 A. One time.

20 Q. Can you briefly describe the circumstances of that time?

21 A. We went -- ended up having to go hands on with a guy and  
22 we had him restrained. Got him cuffed. Excuse me. We went  
23 to go put him in the restraint chair, and on these -- this  
24 restraint chair that we're using now, there's a quick clasp  
25 that you would actually put on the cuffs while they're behind



1 their back. And that was not put on correctly by an officer.

2 And as we're trying to put his -- I believe it was  
3 his left arm into the restraint chair, he got his right hand  
4 loose and had the cuff around his knuckle, and he swung and  
5 hit me in the abdomen. And he was tased at that point in  
6 time to be able to comply, to get him restrained.

7 Q. Okay. So at the time he hit you and you tased him, he  
8 had both of his hands out of restraints?

9 A. Yeah. Well, he had one hand out of restraints.

10 Q. And he had a metal --

11 A. The other one, they were holding, trying to get his hand  
12 into the restrains, but somebody had ahold of it.

13 Q. Was either hand strapped down?

14 A. No, sir.

15 Q. Was either hand in handcuffs?

16 A. One had the handcuff around his wrist, and he had the  
17 other almost like a brass knuckle.

18 Q. Was the arm that was in the cuff, was it connected to  
19 anything?

20 A. No.

21 Q. So it was just free?

22 A. Yes.

23 Q. And he used it like a brass knuckle to hit you?

24 A. Right.

25 Q. So in response to that, what did you do?

1 A. Got hit, and then I pulled the Taser and let him know if  
2 he did not comply that he would be tased. He still did not  
3 comply. And so he was tased for maybe three seconds, if  
4 that. And then he complied. We got him fully restrained the  
5 rest of the way in the chair.

6 Q. Okay. So with him -- with holding a cuff like a brass  
7 knuckle, you were able to tase him for three seconds and then  
8 get him under control?

9 A. Yes.

10 Q. Now, before you started carrying a Taser, did you have  
11 to get certified or take any training?

12 A. Yes.

13 Q. And when did you complete that training?

14 A. About the first or second week I was hired there. I  
15 don't remember. I think we maybe went maybe a week and a  
16 half basic training course, you know, just kind of give us  
17 the rundown on paperwork in the jail and a few other things,  
18 and we took a Taser training class at that point in time as  
19 well.

20 Q. Who taught your Taser training class?

21 A. Sergeant Gary Ola.

22 Q. To the best of your knowledge, did he train all the  
23 officers at the jail about Tasers?

24 A. At that time, yes.

25 Q. And can you describe sort of what that training

1 consisted of, what the class was like?

2 A. We did it in our general sessions courtroom. And we  
3 went through -- maybe three- or four-hour presentation, where  
4 we -- you know, he did a PowerPoint slide and we watched  
5 different videos and we had paperwork and we took a written  
6 test. And then after that we went to where people would  
7 actually get hit with a Taser, you know, whether it be the  
8 prongs or drive stun.

9 Q. Did they take volunteers or just call people out?

10 A. Most of them were volunteers, yeah.

11 Q. Did you volunteer?

12 A. Yes, I did volunteer.

13 Q. And is that when you were tased that we were talking  
14 about earlier?

15 A. Yes.

16 Q. So -- and you mentioned there's a test at the end of the  
17 course?

18 A. Yes.

19 Q. So are you responsible for knowing the material that was  
20 presented during the course?

21 A. Yes.

22 Q. And were you told that you were obligated to apply what  
23 you've been taught when you were working in the jail?

24 A. Yes.

25 Q. Now, when you completed the course, was there any

1     certifications given to you --

2     A.    Yeah, we had a certificate that was given to us.

3     Q.    Okay.  Sir, I would ask you to please turn in that  
4     exhibit book that's right in front of you to Tab Number 4.  
5     It's been marked as Government's Exhibit 4.

6                 Do you recognize what that document is?

7     A.    Yes.

8     Q.    What is it?

9     A.    It's the certificate for the Taser training class.

10    Q.    Is that the certificate that was given to you for your  
11    Taser training?

12    A.    This is not the exact one, but yes, it is a copy of it,  
13    yeah.

14    Q.    It's a copy?

15    A.    Yeah.

16    Q.    Does it appear to be a true and accurate copy?

17    A.    Yes.

18                 MR. SONGER:  Your Honor, we move to admit  
19    Government Exhibit 4.

20                 MR. STRIANSE:  No objection.

21                 THE COURT:  Admitted.

22                 (Whereupon Plaintiff Exhibit 4 was marked for  
23                 identification and received in evidence.)

24                 MR. SONGER:  May we publish it to the jury?

25                 THE COURT:  Yes.

1 BY MR. SONGER:

2 Q. Okay. So that's Sergeant -- Corporal Gary Ola -- he's  
3 the instructor listed, correct?

4 A. He might have been a corporal at the time. I know later  
5 on he was a sergeant.

6 Q. And what's the date for the training certificate?

7 A. October 23rd, 2015.

8 Q. Is that the date that you took the training course?

9 A. I believe so, yes.

10 Q. Now, was Defendant Bryant in your same training class?

11 A. Yes.

12 Q. And do all officers who are in the same class get the  
13 same training?

14 A. Yeah.

15 Q. You don't divide up into different groups or something?

16 A. No.

17 Q. Take it down.

18 During that training, were you trained on when  
19 it's permissible for an officer to use a Taser?

20 A. Yes.

21 Q. And based on the policy and that training, when is it --  
22 when are officers allowed to use a Taser?

23 A. If there's bodily harm to myself or another.

24 Q. If there's a threat of bodily harm to yourself or  
25 another person?

1 A. Yes.

2 Q. Any other situation where it's allowed to be used?

3 A. Just off a threat. That's what it's made for, is to  
4 stop a threat.

5 Q. Are officers ever allowed to use Tasers to punish  
6 someone?

7 A. No.

8 Q. Now, in -- if it's necessary to tase someone to stop a  
9 threat, how much force can officers use?

10 A. The -- as far as with a Taser or --

11 Q. Well, let me ask this: Do officers -- are you trained  
12 to use the least amount of force necessary to stop a threat?

13 A. Yes.

14 Q. Not to use more force than would have been necessary?

15 A. Right.

16 Q. Now, are you given guidance in that Taser training about  
17 how long officers are permitted to tase someone during an  
18 incident?

19 A. The Taser has a recommendation of no more than 15  
20 seconds, which would be three five-second bursts.

21 Q. Three five-second bursts?

22 A. Right.

23 Q. Against one person for one entire incident?

24 A. For one incident, right.

25 Q. And do you know why you were trained not to tase people

1 for more than three five-second bursts?

2 A. It can cause, you know, heart palpitations. And there's  
3 a long list of reasons why. Heart -- you know, heart  
4 palpitations is a big one. You know, especially if somebody  
5 is already irate and under the influence of narcotics or even  
6 alcohol, you know, it can cause heart palpitations or raise the  
7 blood pressure or so on, so forth.

8 Q. You were told that in your training?

9 A. Yes.

10 Q. That going more than three five-second cycles creates  
11 heart risks?

12 A. (Witness moves head up and down.)

13 Q. And that's especially true of someone who appears to be  
14 under the influence?

15 A. Right.

16 Q. And that's the training you took with Mark Bryant,  
17 correct?

18 A. Yes.

19 Q. Now, when an officer uses a Taser, what kind of  
20 documentation at the jail is required for them to fill out?

21 A. If we use a Taser, there's an incident report that has  
22 to be done. That's -- based on the incident itself. And  
23 then, as far as the use of force, whether it be Taser or  
24 grappling or even restraint chair, you know, you have to use  
25 a use of force form as well.

1 Q. Are those forms that are at the jail?

2 A. Yes.

3 Q. That officers fill out?

4 A. Yeah.

5 Q. All right. And what information are officers trained  
6 that they have to include in those reports?

7 A. Why, who, what, when, where.

8 Q. So when someone -- when an officer uses a Taser, would  
9 that information include how many times the Taser was used?

10 A. You would -- yeah. I mean, you would think. Yeah.

11 Q. Was that your understanding based on your training?

12 A. Yeah. I mean -- if you use a Taser, how many times it  
13 was either deployed or, you know, why it was deployed, who it  
14 was deployed on, when, where.

15 Q. Why it's deployed, what the justification was?

16 A. Right.

17 Q. So would that mean what the threat was that caused it to  
18 be used?

19 A. Right.

20 Q. That would be in the report?

21 A. Yes.

22 Q. And how long the Taser was used?

23 A. Yeah. I would say that probably be a vital piece of  
24 information.

25 Q. Okay. Now, were you required -- was it a requirement



1 that that information was accurate and truthful?

2 A. I would hope so. Yeah. I mean, you know, if I was to  
3 document something, I would want it to be truthful.

4 Q. So that was probably a dumb question.

5 But why does that matter? Why is it important  
6 that the information on the report is truthful?

7 A. Because it can be held in a court of law.

8 Q. What types of force in addition to Tasers is it required  
9 for you to file records?

10 A. We didn't carry pepper spray in the jail, so that's out  
11 of the question. But you know, any time you had to even  
12 grapple with somebody, if you had to use strikes, soft or,  
13 you know, firm hand strikes, if -- like I said, put them in  
14 the restraint chair, that was a type of use of force you use.

15 Q. And when you say a report is required when you grapple  
16 with somebody, is that like hands-on force?

17 A. Yeah, takedown. Let's say two inmates are fighting and  
18 you have to pull one off and maybe you take them to the  
19 ground, you know, just to keep them under control, you know.

20 Q. Now, working in the jail, did you encounter inmates who  
21 were disruptive?

22 A. Yes.

23 Q. Inmates who were belligerent?

24 A. Yes.

25 Q. Inmates who had mental illness?

1 A. Yes.

2 Q. Inmates who were suffering from substance abuse?

3 A. Yes.

4 Q. Inmates who seemed crazy because they were suffering  
5 from various ailments?

6 A. Yes.

7 Q. And were you trained to deal with those inmates?

8 A. For the most part, you know. As far as hands-on  
9 training, you know, we've -- we've talked about it, different  
10 restraints. But as far as, like, an actual training for  
11 being -- going hands on, we never had one at the Cheatham  
12 County jail.

13 Q. But was it expected as part of the job that you would  
14 have to deal with people who are belligerent or might have  
15 drug issues or --

16 A. Yes.

17 Q. And were you ever allowed to use force to just punish  
18 those people who were being belligerent?

19 A. No.

20 Q. I want to turn now and talk about November 5th, 2016.

21 Were you working at the jail that night?

22 A. I was.

23 Q. And what shift were you on?

24 A. Second.

25 Q. That's a 2:00 to 10:00 p.m.?

1 A. Right.

2 Q. And you remember an incident involving Jordan Norris  
3 that night, right?

4 A. Yes.

5 Q. Can you tell us, do you remember how old Jordan Norris  
6 was?

7 A. Eighteen, 19, something like that, I believe.

8 Q. And how much did he weigh?

9 A. A buck fifty.

10 Q. He was a pretty small guy?

11 A. Yeah.

12 Q. Now, at some point that night during your shift, did  
13 officers have to remove Jordan from his cell?

14 A. Yes.

15 Q. All right. Do you know why?

16 A. He was being belligerent, you know, screaming, yelling,  
17 cussing.

18 Q. What officers were involved in taking him out of his  
19 cell?

20 A. Mark Bryant and Jeff Key. And myself. Mark and Jeff  
21 had went to the cell to extract him, and Mark had told me to  
22 get the restraint chair ready.

23 Q. Okay. Was anyone else involved other than you and  
24 Defendant Bryant and Jeff Key?

25 A. Caitlin Johnson was there. And then Daniel Bratton also

1 came up to assist later on.

2 Q. And can you just describe what happened as officers took  
3 him out of the cell?

4 A. He was fighting. I mean, like I said, screaming,  
5 carrying on. He appeared to be under the influence of  
6 something. You know, he was -- he was hard to handle. He  
7 wasn't a very big guy, but he was hard to handle.

8 Jeff and Mark were trying to get him cuffed. Like  
9 I said, I was getting the restraint chair ready. Got the  
10 restraint chair set up and I went over there and -- I don't  
11 remember who it was, it was somebody had called for Daniel  
12 Bratton to come up from the sally port to assist as well.  
13 And we were just trying to get him cuffed.

14 And once Daniel got up there, still fighting to  
15 get him cuffed, getting his arm behind his back. And Daniel  
16 had tased him to get his cuff -- you know, to get his cuffs  
17 on.

18 Q. Okay. Do you know how many times Daniel Bratton tased  
19 him?

20 A. I don't know how many times it was. I know it wasn't  
21 very long. You know, I remember the one time because it  
22 ended up actually going through me as well, and Jeff Key.  
23 So. . .

24 Q. So, to the best you remember, how long did those tases  
25 last that Officer Batton had to use?

1 A. They were short. I don't think they were maybe two or  
2 three seconds, if I remember right.

3 Q. And when Officer Batton had to tase Jordan, was he  
4 already handcuffed?

5 A. No. Not that I -- not that I recall anyways. He was  
6 not -- that's why he was tased, to get the cuffs on, to try  
7 to get him to comply.

8 Q. He didn't have leg shackles or any kind of leg  
9 restraints on?

10 A. No.

11 Q. He wasn't strapped into the chair?

12 A. Not yet.

13 Q. So he was free and actively fighting you?

14 A. Yeah.

15 Q. And when Officer Batton used a few of those brief tases,  
16 were you able to -- were you officers able to get Jordan  
17 under control enough to get him into the chair?

18 A. Yeah -- once -- we got him cuffed and he was still  
19 fighting, and we did put him in the chair.

20 Q. All right. But you did get him secured in the chair; is  
21 that right?

22 A. What's that?

23 Q. You did get him secured and tied to the chair?

24 A. Eventually, yes.

25 Q. And then, after Jordan was placed into the chair, what

1 happened next?

2 A. He was -- you know, he went through little spurts where  
3 he would be calm for a little bit, and then he would start  
4 screaming out the top of his lungs, vulgar things. And you  
5 know, Mark and Jeff and I would -- Caitlin, we would go check  
6 on him and see if he needed water, you know.

7 And then he would get violent again and start  
8 thrashing around and trying to get out of his restraints  
9 and. . .

10 Q. Okay. And where were you during that time when he was  
11 alternating between being calm and irritated?

12 A. I'm pretty sure I was working in booking. I'm not sure.  
13 I may have been kind of all over the place, I don't  
14 remember -- it's been a long time ago -- exactly. I know I  
15 was in booking a lot that night. But, you know, like I said,  
16 I kept an eye on him. Jeff had kept an eye on him, as I  
17 recall, had been watching him.

18 Q. But he was strapped into the chair and you guys were  
19 keeping an eye on him?

20 A. Yes.

21 Q. Now, when officers put someone in the restraint chair,  
22 is there any documentation they fill out for that?

23 A. There is a restraint chair log, yes.

24 Q. And what information is on the restraint chair log?

25 A. What they're doing in the restraint chair. You know,

1 how often you're checking them. You know, times, dates,  
2 names.

3 Q. Is that something that you have to fill out anytime  
4 someone is in the chair?

5 A. That's a requirement, yes.

6 Q. So that's done routinely?

7 A. (Witness moves head up and down.)

8 Q. I'm sorry. I think I broke the microphone.

9 Okay. Could you turn now in the exhibit book  
10 that's in front of you, please, and look at Tab Number 24.

11 A. Maybe.

12 Q. Okay. Do you recognize that document?

13 A. I do.

14 Q. What is it?

15 A. It's restraint chair log.

16 Q. The restraint chair log for November 5th, 2016, with  
17 Mr. Norris?

18 A. Right.

19 Q. Does that appear to you to be a true and accurate and  
20 correct version of that log?

21 A. Yes.

22 MR. SONGER: Your Honor, the Government would move  
23 Exhibit Number 24 into evidence.

24 MR. STRIANSE: No objection.

25 THE COURT: Admitted.

1 (Whereupon Plaintiff Exhibit 24 was marked for  
2 identification and received in evidence.)

3 MR. SONGER: May we publish it to the jury?

4 THE COURT: Yes.

5 BY MR. SONGER:

6 Q. So we see the date at the top, November 5th, '16. Time  
7 in: 1858.

8 That's 6:58 p.m., right?

9 A. Right.

10 Q. Okay. And can you just read the first entry for us?

11 A. The first entry is, I believe, "1858 placed in chair,  
12 handcuffed behind." And there's an initial there.

13 Q. And do you know whose initials those are?

14 A. Mark Bryant's.

15 Q. So that's when he was placed in the chair, 1858?

16 A. Yes.

17 Q. And then the next couple entries?

18 A. 1910, which is 7:10, "started check and removed cuffs.  
19 Mark Bryant."

20 Q. Okay. And what does that mean, "started check and  
21 removed cuffs"?

22 A. So we went to go check on him and remove his cuffs,  
23 because his hands at that time were behind his back. And  
24 that -- you know, we took his hands out of the handcuffs and  
25 put them in the arm restraints of the restraint chair.



1 Q. Okay. And the next entry, 7:17, it says "Completed  
2 transition to soft restraints"?

3 A. Yes.

4 Q. What does that mean?

5 A. That means we got him restrained into -- soft  
6 restraints -- got his cuffs off.

7 Q. So at that point you've taken the cuffs off, and was he  
8 fully strapped into the chair?

9 A. Yes.

10 Q. And then the next two entries, at 7:26 and 7:38 p.m.,  
11 what do those say?

12 A. "Calm. Gave water." "Calm. Gave water."

13 Q. And are those both initialed by Mark Bryant too?

14 A. Yes.

15 Q. So for the next little while, he was calm in the chair.

16 Is that consistent with what you remember?

17 A. Yeah.

18 Q. And then the next entry at 7:55 says that he was very  
19 combative; is that right?

20 A. Yes.

21 Q. Now, around 8:00, do you remember having to go back over  
22 to the restraint chair to deal with Jordan?

23 A. Yes.

24 Q. Do you know why you had to go back over?

25 A. He got his right hand out of the restraints.

1 Q. All right. And which officers came over to deal with  
2 that?

3 A. Jeff, Mark, and myself.

4 Q. So what did you do first when you saw that he had gotten  
5 an arm out?

6 A. Well, Jeff grabbed his arm, was attempting to put it  
7 back in the restraint. And he was flailing his head back and  
8 forth, trying to head butt. And I grabbed his head. There  
9 are pressure points underneath your jawline that they teach  
10 us to hold his head back. That way he cannot, you know,  
11 spit, you know, thrash his head around to try to head butt us  
12 and so on and so forth.

13 Q. Okay. Did you do that to try to keep his head out of  
14 the way so Jeff could get his arm back in?

15 A. Right.

16 Q. And did you also put a spit mask on Mr. Norris?

17 A. Well, Jeff Key did before we started, you know, trying  
18 to put his hands in the restraint.

19 Q. Okay. And can you tell us, what is a spit mask?

20 A. A spit mask, it's a mesh, like, almost kind of like a  
21 stocking or a sock that you would put over the face, and it's  
22 mesh. Very easy, breathable, but that way the spit cannot  
23 project.

24 Q. When someone's wearing a spit mask, can they spit on  
25 officers?

1 A. No.

2 Q. All right. Are there surveillance cameras in the jail?

3 A. Yes.

4 Q. And where are they located?

5 A. All over. There's some coming in the door. There's one  
6 in each cell. There's one in the booking office. I think  
7 there's three or four in, like, the booking area.

8 THE COURT: All right. Let me have the lawyers  
9 approach.

10 MR. SONGER: Sure.

11 (Bench conference outside the hearing of the  
12 jury.)

13 THE COURT: I gather you've got a lot more to go?

14 MR. SONGER: A decent amount, but not. . .  
15 Certainly no more than 30 minutes.

16 THE COURT: Okay. Well, we're going to stop for  
17 the day because I've got three sentencings to do.

18 MR. SONGER: I understand.

19 THE COURT: What I forgot was -- I forgot -- I  
20 knew. . . I forgot to let //, the independent  
21 contractor. Remember, that's why we brought // back?  
22 And // is still there. That's why I have that off  
23 number.

24 MR. SONGER: Oh, I thought --

25 THE COURT: But I think it sounds like it would be

1 a hardship if he's an independent contractor. Everyone gets  
2 paid and he doesn't. You know, I hate to have somebody --  
3 any objection to letting him go?

4 MS. MYERS: No.

5 MR. SONGER: No.

6 MR. STRIANSE: No objection.

7 THE COURT: I think he should.

8 All right.

9 MR. SONGER: Going to defer to the Court's  
10 schedule, but I will be in a logical stopping place in about  
11 ten minutes.

12 THE COURT: We're going to stop now so I can get  
13 ready for the next thing.

14 I'm trying to think how to let // go.

15 MR. STRIANSE: That's fine.

16 THE COURT: All right.

17 MR. SONGER: Thank you.

18 THE COURT: And unless they object, we're going to  
19 start at 8:30.

20 MS. MYERS: 8:30. Perfect.

21 THE COURT: Okay.

22 MR. STRIANSE: Do you know what the lineup looks  
23 like tomorrow?

24 MS. MYERS: The lineup will be Mr. Bratton and  
25 Ms. -- Mrs. Marriott, who is Caitlin Johnson. Now it's

1 Caitlin Marriott. And then --

2 MR. STRIANSE: We may have to confer.

3 MS. MYERS: We'll send you an email.

4 THE COURT: Y'all let him know. And when it's his  
5 turn, you'll know.

6 MR. SONGER: We'll let you know.

7 MR. STRIANSE: All right. Thank you.

8 MS. MYERS: Thank you.

9 (Jury present.)

10 THE COURT: All right, ladies and gentlemen, we're  
11 going to stop here for the day because I know that you all  
12 probably have been here since at least 7:30 or 7:45. You  
13 were here working while we were still sipping on our coffee.  
14 So I want to let you go a little bit earlier today.

15 Typically we would go -- go a little bit longer than we are.

16 I notice that -- I'm sensitive the traffic is very  
17 difficult. And some of you have to come a ways, maybe  
18 Clarksville and Rockville. I don't remember, where is  
19 Rockville?

20 JUROR: Just on the other side of Murfreesboro.

21 THE COURT: Okay. That's not too bad.

22 So, nevertheless, I would like us to get started  
23 tomorrow if we can at 8:30. So that means you all need to  
24 take into account there's going to be traffic, take it into  
25 account again. And then we can't start until everyone is

1 here. So please do your best to be here no later than 8:15,  
2 and we'll start promptly at 8:30.

3 Can everyone do that? Anyone think they can't,  
4 let -- raise your hand. All right.

5 And then, //, okay, I'm going to excuse  
6 you from any further service for the reasons you stated  
7 earlier.

8 JUROR: I can be free tomorrow.

9 THE COURT: No. That -- you'll need to be here  
10 for the entire trial. And I appreciate you've got some  
11 hardships. So you don't have to return.

12 JUROR: Thank you.

13 THE COURT: And then that will make my jury box  
14 all even again. All right.

15 Now, remember, you cannot talk about the case to  
16 anybody. You can't go home and tell your family anything  
17 about today. And they're going to want to know what  
18 happened, and tell them you're under orders from the Court  
19 that you simply cannot talk about the case.

20 Remember that if anyone tries to talk to you about  
21 the case, you need to tell them not to and let me know who  
22 that is. If you run into the lawyers or others in the  
23 hallway and they don't speak to you, they're not being rude,  
24 they're not being discourteous. They're under instructions  
25 not to speak to you, as you can't speak to them.

1           And then, when you get your cell phones and you  
2 get on the internet tonight, you can't do any investigation  
3 about anything having -- touching upon this case in any  
4 manner. So no investigation. In other words, you need to  
5 put this case out of your mind until 8:15 tomorrow, and we'll  
6 get started promptly at 8:30.

7           Okay. All right. You're excused.

8           (Jury not present.)

9           THE COURT: All right. Be seated.

10          Now, Mr. Marriott, you're on the witness stand,  
11 and you're not to have any conversation with anyone until we  
12 come back in the morning.

13          THE WITNESS: Sounds good.

14          THE COURT: Be back about 8:15.

15          THE WITNESS: All right.

16          THE COURT: If anyone tries to talk to you about  
17 the case, you need to let me know first thing in the morning.

18          THE WITNESS: Absolutely.

19          THE COURT: Anything else?

20          MR. SONGER: No, Your Honor.

21          THE COURT: All right. Thanks.

22          (Court adjourned.)  
23  
24  
25

1 REPORTER'S CERTIFICATE

2  
3 I, Lise S. Matthews, Official Court Reporter for  
4 the United States District Court for the Middle District of  
5 Tennessee, with offices at Nashville, do hereby certify:

6 That I reported on the Stenograph machine the  
7 proceedings held in open court on February 4, 2019, in the  
8 matter of UNITED STATES OF AMERICA v. MARK BRYANT, Case  
9 No. 3:18-cr-00144; that said proceedings in connection with  
10 the hearing were reduced to typewritten form by me; and that  
11 the foregoing transcript (pages 1 through 72) is a true and  
12 accurate record of said proceedings.

13 This the 24th day of March, 2019.

14  
15 /s/ Lise S. Matthews  
16 LISE S. MATTHEWS, RMR, CRR, CRC  
17 Official Court Reporter  
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